

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

COMMUNICATION SYSTEMS, INC.,

Plaintiff,

v.

ORDER

Civil File No. 06-2831 (MJD/SRN)

BRADLEY KOSTELNIK,

Defendant.

Peter J. Ims, Westman Champlin & Kelly, PA, Counsel for Plaintiff.

Kathryn K. Smith, Sherrill Law Office, Counsel for Defendant.

This matter is before the Court on Defendant Bradley Kostelnik's Motion to Vacate the Clerk's Entry of Default. [Docket No. 9]

Plaintiff Communication Systems, Inc., filed suit against Kostelnik on June 30, 2006. Kostelnik's Answer was due on November 12, 2006. Because Kostelnik failed to file an Answer, the Clerk's Office entered default against him on December 5, 2006. [Docket No. 6] On January 5, 2007, Kostelnik filed an Answer in which he requested that the default against him be vacated. [Docket No. 9] Communication Systems, Inc., has now filed a stipulation that it does not oppose vacating the default. [Docket No. 13]

Accordingly, based upon the files, records, and proceedings herein, **IT IS**

HEREBY ORDERED:

1. The hearing on Defendant Bradley Kostelnik's Motion to Vacate the Clerk's Entry of Default [Docket No. 9], currently scheduled for March 7, 2007, is cancelled.
2. Defendant Bradley Kostelnik's Motion to Vacate the Clerk's Entry of Default [Docket No. 9] is **GRANTED**. The Clerk's Entry of Default [Docket No. 6] is **VACATED**.

Dated: February 8, 2007

s / Michael J. Davis
Judge Michael J. Davis
United States District Court